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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,734	02/14/2000	FRANK PUTTKAMMER	HENN0012UPCT-US	2153
31518 7590 03/19/2008 NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304				
EXAMINER				
CAPUTO, LISA M				
ART UNIT		PAPER NUMBER		
2876				
NOTIFICATION DATE		DELIVERY MODE		
03/19/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

general@neifeld.com  
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# Office Action Summary

**Application No.**

09/485,734

**Applicant(s)**

PUTTKAMMER ET AL.

**Examiner**

Lisa M. Caputo

**Art Unit**

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. Receipt is acknowledged of the amendment filed 26 November 2007.

### ***Case Status***

2. An Ex-Parte Quayle action was mailed 20 November 2007. After a final search conducted, and consultation with the supervisor, examiner has provided a rejection as set forth below. It is noted that the "and/or" phrases in the claim allow for a broader interpretation since the "and/or" renders that the claim does not necessarily need all of the limitations in order to be met. Examiner apologized for any inconvenience to the applicant. Claims 1-11 will be examined since claims 12-22 were formerly withdrawn from consideration, and are now cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. (U.S. Patent No. 5,876,068, from hereinafter "Schneider").

Schneider teaches a security element in the form of a thread or strip to be embedded in security documents and methods of producing it. Regarding claim 1, Schneider teaches a structure of optically effective diffraction security elements in documents wherein the optically effective diffraction security element (security element Fig. 7) is provided with target-oriented electrical encoding of data (metallic coating 41) consisting of a discontinuous metallization layer (see Fig. 7) and zones of metallic layers in different planes (optically effective structures 43 are then embossed in the metallized surface in the form of surfaces inclined at different angles to the document plane). More specifically, Schneider discloses that FIG. 7 shows a simple embodiment of such a security thread. The carrier material is a tear-resistant embossable plastic film 40, whereby composite films can also be used to obtain these two properties. This film is provided with a reflecting opaque metallic coating 41 to which negative writing or a negative pattern is applied preferably by one of the methods stated below. Optically effective structures 43, such as holograms, diffraction structures or reflection patterns, are then embossed in the metalized surface in the form of surfaces, etc., inclined at different angles to the document plane. An additional transparent protective layer 44 protects these structures and the metal coating from external mechanical and chemical influences (see Figure 7, col 6, lines 37-50).

Regarding claims 2-3, Schneider teaches that the form of the encoding resembles lines (see Figure 7).

Regarding claims 4 and 8, Schneider teaches that the demetallized zone in top elevation is of meandering form and that the metallized zones are interrupted by one or more demetallized zones extending vertically. (see Figure 7).

Regarding claims 9-11, Schneider teaches that the optically effective diffraction security element is an OVD, hologram, or kinegram when it is taught that optically effective structures 43, such as holograms, diffraction structures or reflection patterns, are then embossed in the metalized surface in the form of surfaces, etc., inclined at different angles to the document plane (see Figure 7, col 6, lines 43-46).

***Examiner's Note***

4. Examiner has cited particular column and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the Prior Art or disclosed by the Examiner.

***Allowable Subject Matter***

5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The best prior art of Schneider fails to teach the further arrangement of the strip-like zones and that the distance between the two zones of the same or dissimilar electrical conductivity corresponds to the shortest distance (at least 0.1 mm) between two electrodes.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,759,420 to Minnetian et al. which teaches production of partially metallised grating structures.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[lisa.caputo@uspto.gov]**.

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa M. Caputo/  
Primary Examiner, Art Unit 2876  
March 3, 2008